REMARKS

I.   Status of the Claims:

Reconsideration and allowance of the claims pending in the application are requested.

Claims 1-4, 6-13, 29-32 and 34-47 are pending in the application. as follows:

1)   Claims 1-13 have been objected to for minor informalities.

2)   Claims 1-3, 6, 10-13, 29-31 and 38-47 have been rejected under 35 USC 103(a) as being anticipated by USP 6,871,236 to Fishman, issued March 22, 2005, filed January 26, 2001. (hereafter "Fishman"), further in view of USPA PUB 2003/0005174) to D. Coffman et al, published January 2, 2003, filed June 29, 2001, (hereafter Coffman)

3)   Claims 7-9 and 35-37 have been rejected under 35 USC 103(a) as being unpatentable over Fishman and Coffman et al.

4)   Claims 4 and 32 have been rejected under 35 USC 103(a) as being unpatentable over Fishman in view of US Patent Application Publication 2001/0054087 to M. Flom et. al, published December 20, 2001, filed April 25, 2001 (hereafter, "Flom").

Applicants respond to the indicated Paragraph Number of the subject Office Action, as follow:

Paragraphs 1-2:

The Examiner's comments are noted. No response is deemed necessary.

Paragraph 3:

Claim 1 has been amended to replace the term "via" in claim 1 and overcome the Examiner's objection.

II.   Claim Rejections Under 35 USC 103 (a)

Paragraphs 3 and 4:

Claims 1-3, 6, 10-13, 29-31, 33-34 and 34-47 include features not disclosed or suggested in Fishman in view of Coffman (Cited References), and overcome the rejection under 35 USC 103 (a), based on the cited references, as follows:

A.   Claim 1:

(i)   "a portable hand-held user device operating as a wireless server including a mass memory module to store and communicate multi-user application data to the plurality of wireless hand-held user terminals;"

The Examiner contends Fishman discloses a Mobile Gateway 250 (Fig. 2) functionally equivalent to a portable server including a mass memory module described at Col. 7, lines 29-32, e.g. hard disk drive 32 (Fig. 1); magnetic disk drive 28 (Fig. 1) in the computer system 20 (Fig. 1) to store and communicate the same multi-user application data via a wireless link to the plurality of wireless handheld terminals, the Mobile Gateway describing the claimed subject matter of feature (i). Applicants disagree.

First, the Examiner mixes the computer system of Figure 1 with the mobile gateway of Figure 2 to describe the elements of the claimed feature. There is no mass memory in the mobile gateway equivalent to the mass memory described in applicants' specification at Paragraph 0034. The only memory in the mobile gateway is a cache which has very limited memory capacity, and s not equivalent to or suggestive of a mass memory.

Second, The Examiner has not identified, nor, has applicants found in Fishman any disclosure or suggestion that the hard disk drive or magnetic disk drive of the computer system 20 are included in the mobile gateway. Nor, should the computer hardware of Figure 1 be included in the mobile gateway, otherwise the gateway would not be mobile.

Third, applicants can find no disclosure or suggestion in Fishman. Nor, has the Examiner identified any disclosure or suggestion in Fishman that the mobile gateway is a hand held device operating as a wireless server.

Fourth, there is no disclosure or suggestion in Fishman that the mobile gateway communicates multi-user application data to the plurality of wireless handheld terminals. Fishman at Col. 8, lines 9-33 discloses the mobile gateway provides customized content to the users, where the content includes calendar data, financial data, contact data, etc., none of which are representative of multi-user applications, as described in applicants' specification at Paragraph 0032.

79892 v1

(ii)   "wherein a wireless protocol communicates only the same multi-user
application data to the plurality of wireless hand-held user terminals <u>via</u> a
wireless link."

The Examiner acknowledges Fishman does not disclose communicating the same multi-user application data to the plurality of handheld terminals, but contends Coffman at Paragraph 0075 discloses a user or application developer can specify information that can be shared with other applications; information that should be shared only with specific applications thereby allowing a user to choose the proper security and sharing of information, the combination of Fishman modified by Coffman disclosing the claimed subject matter of feature (ii). Applicants disagree.

First, the claimed subject matter provides users of hand held terminals increased flexibility for receiving and utilizing multi-user data as described in applicants' specification at Paragraphs 0008, 0032; whereas, Coffman places restraint on user access to the same multi-user application data, as described in Coffman at Paragraph 0075.

Second, The claimed subject matter describes a standard protocol, e.g. Bluetooth to communicate the same multi-user application data, as described in applicants' specification at Paragraph 0025; whereas, Coffman at Paragraph 54 discloses special protocol to implement dialog management and arbitration in sharing of applications by users.

Third, substituting an application sharing process of Coffman in Fishman where application sharing does not exist and application transforms are needed to distribute the application, does not teach or suggest to a worker skilled in the art the flexible distribution of the same multi-user applications to a plurality of hand held user terminals.

Summarizing, Fishman fails to disclose or suggest the subject matter of feature (i) by the absence of (a) a mass memory in a mobile gateway, (b) the mobile gateway operating as a hand held wireless server, and (c) the mobile gateway providing content not multi-user application. Moreover, Coffman does not supply the missing element in Fishman related to flexible distribution of the same multi-user application to a plurality of wireless handheld terminals, via a wireless link. Coffman discloses controlled distribution of application according to the user or developer preferences.

The rejection of claim 1 under 35 USC 103 (a) does not find support in the cited art for the above summarized reasons. Withdrawal of the rejection and allowance of claim 1 are requested.

B.   Claim 2:

The Examiner contends that Fishman at Col. 8, line 10 discloses the elements of claim 2, which describes the terminal for communicating with the portable server. Applicants disagree. The cited text references the mobile gateway and the wireless terminals shown in Figure 2 of Fishman. Applicant can find no disclosure or suggestion nor has the Examiner identified any disclosure or suggestion in the cited text and Fig. 2 of Fishman related to the terminal structure and communication protocols described by applicants. In particular, applicants specification at Paragraphs 27 - 29 describes details of the terminals including memory, e.g. a buffer memory in lieu of a mass memory to store instructions and a wireless interface for implementing Bluetooth communication protocols.

The rejection of claim 2 under 35 USC 103 (a) is without supporting Fishman based on the lack of disclosure related to the claimed subject matter.

C.   Claim 3:

The Examiner contends Fishman at Col. 7, lines 29-30 discloses a mass memory communicates with a processor which (1) executes requests for multi-user application data; (2) locates data in the mass memory; (3) a wireless interface terminal 53, described at Col. 7, line 66, communicates the same multi-user application data between the mass memory and at least one wireless user terminal, and (4) the foregoing combination of processor, mass memory and interface functions describing the subject matter of claim 3. Applicants disagree.

First, the Examiner is describing the elements and the functions of the computer system 20 shown in Figure 1 and not the functions of the mobile gateway 250, shown in Figure 2. Probably, the computer system 20 serves as the content server of 210 for the mobile gateway 250. In any case, there is no disclosure in the Fishman that the computer system 20 or the content server are mobile.

Second, Fishman does not transmit the same multi-user application data between each said at least one wireless hand-held user terminal. Fishman at col. 9, lines 10-59 discloses each terminal receives transformed data unique to the terminal and not the same data as described in applicants' specification at Paragraph 0032.

Third, applicants specification at Paragraph 003 describes the server has a standard interface for communicating with the terminals whereas Fishman at col. 9, line 64 continuing to col. 10, line 6 discloses special interfaces due to variety of transforms.

Summarizing, Fishman fails to disclose or suggest the subject matter of claim 3 based on (1) the absence of a mass memory module in the mobile gateway, as discussed in connection with the consideration of claim 2; (2) a processor in the mobile gateway 250 for locating the application data in the mass memory (note: the content server does the p) a standard wireless interface serving all terminals.

D.   Claim 6:

The Examiner contends that Fishman at Col. 7, lines 41-42 describes the subject matter of claim 6. Applicants disagree. The cited text describes a USB plug for connecting input devices to the computer system, which is not a mobile gateway whereas applicants specification at Paragraph 0035, describes connecting the wireless server to a personal computer. In any case, claim 6 depends from and further limits claim 1 and is patentable over the cited art on the same basis described for claim 1.

E.   Claims 10-11:

Claim 10 depends from and further limits claim 1 and is patentable over the cited art on the same basis as claim 1.

Claim 11 has been canceled.

F.   Claims 12 -13:

The Examiner contends Fishman at Col. 7, lines 29-31 discloses a mass memory in the mobile gateway, which is exchangeable, and describes the subject matter of claim 12-133. Applicants disagree. Applicants have previously pointed out in the consideration of claim 1 that the memory units identified by the Examiner are in the computer system 20, and not in the mobile gateway 250. A cache memory unit is the only memory unit shown in the mobile gateway and it is well known that a cache memory is a limited memory and not a mass memory.

The rejection of claims 12-13 is without support in the cited art. Withdrawal of the rejection of claims 12-13 under 35 USC 103 (a) is requested.

G.   Claim 29:

The Examiner contends Fishman at col. 7, lines 29-31; col. 8, lines 9-10; col. 7, line 64 continuing to col. 8, line 11 and col. 9, line 26-27; col. 11, lines 32-36 describes storing multi-user application data in a mass memory of a portable hand-held user device operating as a wireless server; initiating wireless communication between the server and at least one hand-held user terminal; sending customized email to a plurality of wireless terminals; executing the sent multi-user data by the a wireless user terminal device, and describes the subject matter of claim 29. Applicants' disagree.

First, there is no mass memory in the mobile gateway to store multi-user application, as described in applicants specification a Paragraph 0032, only a cache memory, a limited memory to store transforms.

Second, the mobile gateway transmits data in different formats to the terminals according to transforms associated with the user terminals. In contrast, transmits the same data to each user terminal, via a standard interface, as described in applicants specification at Paragraph 0033.

Third, Fishman at col. 10, lines 51-54 discloses "although phone 274, pager 276, PDA 278 and mobile gateway 279 may request the same data object, each may receive a transformed data object that differs from the transformed data object received by the others." In contrast, applicants specification at Paragraph 0027, discloses each user terminal receive data from the server via a standard interface and executes the same multi-user application data, and not different multi-user application data duet transforms.

Summarizing, the cited art fails to disclose (1) a mass memory in a portable hand-held server terminal; (2) transmitting the same multi-user application data from the server terminal to each of a plurality of hand-held user terminals, and (3) the user hand-held terminals executing the same multi-user application data. The rejection of claim 29 under 35 USC 103 (a) base is without support in the cited art.

H.   Claim 30:

Claim 30 is related to claim 2 and for the same reason is distinguishable from and patentable over Fishman, in view of Coffman.

    I.   Claim 31:

        Claim 31 is related to claim 3 and for the same reason is distinguishable from and patentable over Fishman, in view of Coffman.

    J.   Claim 34:

        Claim 34 describes providing data and power to a portable wireless server, via a USB plug. Fishman at col. 7, lines 41 describes a USB plug providing only data, not data and power to input devices, as described by applicants specification at Paragraph 0035. In any case, Claim 34 is related to claim 6 and depends from claim 29 and for the same reasons is distinguishable from and patentable over Fishman, in view of Coffman.

    K.   Claims 38-39:

        Claims 38-39 are related to claim 10 and depend from claim 29, and for the same reasons is distinguishable from and patentable over Fishman, in view of Coffman.

    L.   Claims 40-41:

        Claims 40-41 are related to claim 12 and depend from claim 29, and for the same reasons is distinguishable from and patentable over Fishman, in view of Coffman.

    M.   Claim 42:

        Claim 42 is related to claim 29 and for the same reason is distinguishable from and patentable over Fishman, in view of Coffman.

    N.   Claim 43:

        Claim 43 is related to claim 1 and for the same reason is distinguishable from and patentable over Fishman, in view of Coffman.

    O.   Claim 44:

        Claim 44 is related to claim 2 and depends from claim 43 and for the same reason is distinguishable from and patentable over Fishman, in view of Coffman.

    P.   Claim 45:

        Claim 45 is related to claim 3 and depends from claim 43 and for the same reason is distinguishable from and patentable over Fishman, in view of Coffman.

    Q.   Claims 46:

        The Examiner contends claim 46 contains the same limitations as claim 2 and is rejected on the same rational. Applicants disagree. Claim 2 does not describe or suggest the

memory is of limited capacity to reduce its physical size thereby streamlining the user wireless terminal as described in applicants specification at Paragraph 0029. The rational for rejecting claim 2 is not applicable to claim 43, and should be allowable.

    R.   <u>Claim 47</u>:

The Examiner contends claim 47 contains the same limitations as claim 2 and is rejected on the same rational. Applicants disagree. Claim 2 does not describe or suggest an energy management system providing system power to hand-held user devices and an alternate power supply when the system power is not available, as described in applicants specification at Paragraph 0036. The rational for rejecting claim 2 is not applicable to claim 47, and claim 47 should be allowable.

Paragraph 6:

Claims 7-9 and 35-37 include features not disclosed or suggested in Fishman and Coffman, alone or in combination, (cited references) and overcome the rejection under 35 USC 103 (a) based on the cited references, as follows:

    A.   <u>Claims 7- 9 and 35-37</u>:

Applicants traverse the rejection of claims 7-9 and 35-37 as obvious based on MPEP 2144 (A), which states, in part, "It would <u>not</u> be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known." Applicants submit, the facts described by the Examiner are not capable of instant and unquestionable demonstration of a cable between a wireless terminal and a portable server as being well known.

The rejection of claims 7-9 and 35-37 as obvious under 35 USC 103 (a) is without support by the failure of the Examiner to cite a reference, as required by MPEP 2144 (a). Withdrawal of the rejection and allowance of claims 7-9 and 35-37 are requested. In any case, claims 7-9 depend from and further limit claim 1 and claims 35-37 depend from and further limit claims 29, and are patentable on the same basis as claim 1 and 29, as the case maybe.

Paragraph 7:

Flom describes a content manufacturing and distribution system for manufacturing, distributing and caching content over wireless or wired Internet to portable devices wherein in response to a user request to the portable device, the portable device cache is searched and used to fulfill the user request from a handheld device when relevant content packages are available in the portable device for fulfilling the request. Flom does not supply the missing features in Fishman and Coffman, alone or in combination related to (1) a mass memory in the portable device and (2) providing the same multi-user application data to each of a plurality hand held user terminals.

Claims 4 and 32 depend from and further limit claims 1 and 29, respectively and are distinguishable from and patentable over Fishman and Coffman in view of Flom for the same reasons indicated for claims 1 and 29.

79892 v1

CONCLUSION

Applicants have demonstrated in the remarks that the cited references, alone or in combination, fail to disclose or suggest (1) a portable hand-held user device operating as a wireless server; (2) incorporating its own power supply that is fully rechargeable; (3) storing multi-user application data, e.g. business application, music, games and the like in a mass memory contained in the server; (4) communicating the same multi-user application data to each of a plurality of wireless user devices via a standard interface thereby enabling the wireless user devices to be reduced in physical size; and (5) providing the users increased flexibility for receiving and utilizing multi-user data without requiring re-design of existing user hand-held.

The rejection of claims 1-4, 6-13, 29-32 and 34-47 under 35 USC 102 (e) or 103 (a) is without support in Fishman and Coffman in view of Flom, the cited references, and has been overcome. Entry of the amendment which does not raise new issues, allowance of the claims and passage to issue of the application are requested. Alternatively, applicants request entry of the amendment for purposes of appeal.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 13-4500, Order No. 4208-4044.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 4208-4044.

Respectfully submitted,
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